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Attorneys for Defendants
Action Metal Recycling, Inc.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Communities for a Better
Environment, a California non-profit
corporation,

Plaintiff,

v.

Action Metal Recycling, Inc., a
California corporation,

Defendant.

CASE NO: C07-02768 JCS

**DECLARATION OF W. LEE
SMITH IN SUPPORT OF
APPLICATION FOR ORDER
EXCUSING PERSONAL
APPEARANCE OF ACTION'S
ATTORNEY AND REQUEST TO
TELEPHONICALLY APPEAR AT
CASE MANAGEMENT
CONFERENCE**

Magistrate Judge: Joseph C. Spero

Complaint Filed: June 25, 2007
Trial Date: None

CMC Date: August 31, 2007
Time: 1:30 p.m.

DECLARATION OF W. LEE SMITH

I, W. Lee Smith, declare as follows:

1. I am an attorney at law admitted to practice before all Courts of the State of California and the United States District Court for the Northern District of California. I have personal knowledge of each matter and the facts stated herein as a result of my employment with Trutanich • Michel, LLP ("TM"), attorneys for Defendant Action Metal Recycling, Inc. ("Action"), and if called upon and sworn as a witness, I could and would testify competently thereto.

1. I am TM's case manager for this matter, I am responsible for attending to the day-to-day aspects of the litigation.
2. I work at TM's Long Beach office, located at 180 E. Ocean Boulevard, Suite #200, Long Beach, California.
3. The distance between TM's office and the Northern District Courthouse is approximately 400 miles. I estimate that it will take seven to nine hours of travel time to make an appearance at the Case Management Conference ("CMC") scheduled on August 31, 2007. The cost of travel will be approximately \$400.00 (plane fare and taxi service), and the cost of my travel time will be approximately \$2,100.00.
4. On August 23, Philip Huang, counsel for Plaintiff Communities for a Better Environment, emailed Scott M. Franklin, an attorney in my office, responding to an email sent by Mr. Franklin on August 21, 2007. Mr. Franklin's email inquired if Mr. Huang would be opposed to my appearing telephonically at the August 31, 2007CMC; Mr. Huang's email stated that he had no objection to a telephonic appearance.
5. A true and correct copy of the abovementioned correspondence is attached hereto as Exhibit A.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 23rd day of August, 2007, in Long Beach, California.

/s/
W. Lee Smith

UNITED STATES DISTRICT COURT
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Communities for a Better
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CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 E. Ocean Blvd., Suite 200, Long Beach, California, 90802.

I am not a party to the above-entitled action. I have caused service of:

**DECLARATION OF W. LEE SMITH IN SUPPORT OF APPLICATION FOR
ORDER EXCUSING PERSONAL APPEARANCE OF ACTION'S
ATTORNEY AND REQUEST TO TELEPHONICALLY APPEAR AT CASE
MANAGEMENT CONFERENCE**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Philip Huang
Counsel for Plaintiff
E-Mail: phuang@cbecal.org

1 I declare under penalty of perjury that the foregoing is true and correct.
2 Executed on August 27, 2007.

3 /s/W. Lee Smith
4 W. Lee Smith
5 Counsel for Defendant
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